

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

<b>CHARLIE CASTILLO,</b>	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b>No. 19-cv-4002</b>
	:	
<b>OFFICER BRYAN GUZLEY, et al.,</b>	:	
<b>Defendants.</b>	:	

**ORDER**

AND NOW, this 8<sup>th</sup> day of October, 2019, upon consideration of Plaintiff Charlie Castillo's Applications to Proceed *In Forma Pauperis* (ECF Nos. 1, 7), Prisoner Trust Fund Account Statements (ECF Nos. 3, 8), *pro se* Complaint (ECF No. 2), Motion to Have the Court Mail Copies (ECF No. 5), and "Petition for a Copy of Booking Photo and Assign[ment] of Counsel" (ECF No. 9), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Charlie Castillo, #105825, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of Lehigh County Jail or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Castillo's inmate account; or (b) the average monthly balance in Castillo's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Castillo's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to

Castillo's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this Order to the Warden of Lehigh County Jail.

4. The Complaint is **DEEMED** filed.

5. For the reasons stated in the Court's Memorandum, Castillo's claims against the Chief of Police, the Mayor of Allentown, Marisa R. Lopez-Rodriguez, M.D., Attending "John Doe", Israel Colon-Cabeza, and Officers Guzley and Shade in their official capacities are **DISMISSED WITHOUT PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

6. Castillo is given thirty (30) days to file an amended complaint in the event he can cure the defects in the claims dismissed by the Court. Any amended complaint shall identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint, shall state the basis for Castillo's claims against each defendant, and shall bear the title "Amended Complaint" and the case number 19-4002. If Castillo files an amended complaint, his amended complaint must be a complete document that includes all of the bases for Castillo's claims, including claims that the Court has not yet dismissed if he seeks to proceed on those claims. Claims that are not included in the amended complaint will not be considered part of this case. When drafting his amended complaint, Castillo should be mindful of the Court's reasons for dismissing his claims as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

7. If Castillo does not file an amended complaint the Court will direct service of his

initial Complaint on Defendants Officer Bryan Guzley and Officer Shade, in their individual capacities, only, with respect to the following claims: (1) the Fourth Amendment illegal search claim related to the Officers' warrantless entry into Castillo's apartment; and (2) the Fourth Amendment claims for excessive force during the course of his arrest and in the police car. Castillo may also notify the Court that he seeks to proceed only on these claims rather than file an amended complaint. If he files such a notice, Castillo is reminded to include the case number for this case, 19-4002.

8. The Motion to Have the Court Mail Copies (ECF No. 5) is **GRANTED IN PART AND DENIED WITHOUT PREJUDICE IN PART** for the reasons set forth in the Court's Memorandum. The Clerk of Court is hereby **DIRECTED** to mail a copy of the Complaint docketed at ECF No. 2 directly to Castillo.

9. The "Petition for a Copy of Booking Photo and Assign[ment] of Counsel" (ECF No. 9) is **DENIED WITHOUT PREJUDICE** for the reasons set forth in the Court's Memorandum.

**BY THE COURT:**

*/s/ Joseph F. Leeson, Jr.*

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**JOSEPH F. LEESON, JR.**  
**United States District Judge**